

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

CAROLYN VINEYARD,	§	No. 12-cv-118
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
MICHAEL J. ADAMS, P.C.,	§	
	§	
Defendant.	§	
	§	

PLAINTIFF’S COMPLAINT

CAROLYN VINEYARD (“Plaintiff”), through attorneys, KROHN & MOSS, LTD., alleges the following against MICHAEL J. ADAMS, P.C. (“Defendant”):

INTRODUCTION

1. Count I of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (“FDCPA”).

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

3. Defendant conducts business in the State of Texas; therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Wichita Falls, Wichita County, Texas.

6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

8. Plaintiff is informed and believes, and thereon alleges, that Defendant is a collections business with an office in San Antonio, Texas.

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. In or around April of 2012, Defendant began placing calls to Plaintiff in connection with the collection of an alleged debt.

11. On April 21, 2012, Defendant called Plaintiff and left a voicemail on her phone which does not contain meaningful disclosure of the caller's identity or the purpose of the call, nor the admonishment that the communication is an attempt to collect a debt and that any information obtained will be used for that purpose.

12. Defendant's voicemail requested a call back to 210-858-8360, extension 203 and stated only that it was in reference to a matter in Plaintiff's "best interest." *See* voicemail transcription as Exhibit "A" hereto.

13. No further information is provided on the voicemail, and so Plaintiff has no meaningful way of knowing the identity of the caller or the purpose of the call.

**COUNT I:
DEFENDANT VIOLATED THE FAIR DEBT
COLLECTION PRACTICES ACT**

14. Defendant violated the FDCPA based on, but not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt;
- b. Defendant violated §1692d(6) of the FDCPA through the placement of calls without meaningful disclosure of the caller's identity;
- c. Defendant violated § 1692e of the FDCPA through the use of false, deceptive, or misleading representation or means in connection with the collection of any debt; and
- d. Defendant violated §1692e(11) of the FDCPA through the failure to state in communications with a consumer in connection with the collection of a debt that the communication is from a debt collector and that any information obtained will be used for that purpose.

WHEREFORE, Plaintiff, CAROLYN VINEYARD, respectfully requests judgment be entered against Defendant, MICHAEL J. ADAMS, P.C. for the following:

15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;

16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k; and

17. Any other relief this Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Ryan Lee
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